



## Board of Adjustment Case Report

City of Raleigh  
Planning & Development Department  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2475  
www.raleighnc.gov

**Case File:** A-1-17

**Property Address:** 4000 Buffalo Road

**Property Owner:** Varinder Sharma

**Project Contact:** Varinder Sharma

**Nature of Case:** Request for a special use permit to establish a Day Care Center with up to 30 enrollees pursuant to Section 6.4.1.C. and 10.2.9. of the Unified Development Ordinance on a .74 acre parcel zoned Residential-4 and located at 4000 Buffalo Road.



**4000 Buffalo Road – Location Map**

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**ADDITIONAL  
NOTES:** None

**PREVIOUS  
VARIANCES:** None

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**To BOA:** 1-9-17

**Staff Coordinator:** Eric S. Hodge, AICP

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**Zoning District:** Residential-4

### 4000 Buffalo Road – Zoning Map

**SHOWINGS:** In accordance with UDO §10.2.9 Special Use Permit, before a Special Use Permit request is granted, the Board of Adjustment shall show that all of the following are met:

1. The proposed use complies with all applicable provisions of this UDO unless otherwise expressly modified in accordance with this UDO;

2. The proposed use is allowed as a special use in the respective zoning district (see Chapter 6. Use Regulations);
3. The proposed use complies with any specific use standard listed in Chapter 6. Use Regulations without the granting of any variance to the specific use standard;
4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics;
5. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied;
6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate;
7. Signage is suitable and appropriate; and
8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit.

#### Sec. 6.4.1.c. C. Day Care Center

##### 1. Defined

A day care for more than 8 persons where staffing complies with state and local regulations. Includes nursery school and preschool.

##### 2. Use Standards

a. In a Residential District, the following minimum lot areas per enrollee apply:

- i. R-1, R-2, and R-4: 1,040 square feet; (*Staff note: the site acreage could theoretically accommodate 30 enrollees based on minimum lot area*)
- ii. R-6: 640 square feet; and
- iii. R-10: 240 square feet.

b. In a Residential District, 1 unlit announcement sign is allowed, not to exceed 2 square feet in area and 3½ feet in height.

c. In a Residential District, a Type A1 or A2 transitional protective yard (see Sec. 7.2.4.A.) must be established along any side of the property abutting a residential use.

*Staff note: The applicant will need to submit plans or testimony showing their intent to install the requisite landscaping fencing and/or walls consistent with this requirement. If the Board approves the Special Use Permit, the applicants must submit more detailed plans for permitting and installation prior to beginning operation of the daycare.*

d. In a Residential District, a Type C2 street protective yard (see Sec. 7.2.4. B.) must be established along all property lines abutting a public right-of-way.

*Staff note: The applicant will need to submit plans or testimony showing their intent to install the requisite landscaping fencing and/or walls consistent with this requirement. If the Board approves the Special Use Permit, the applicants must submit more detailed plans for permitting and installation prior to beginning operation of the daycare.*

e. Must comply with all state and local standards.

Sec. 7.2.4. Protective Yards

A. Transitional Protective Yards

1. A transitional protective yard is required along perimeter lot lines:

- a. For specific uses as set forth in Chapter 6. Use Regulations ( type as specified); and
- b. Where an IH District abuts any other district other than an IH District a Type B1 or B2 transitional protective yard must be installed.

Type A1: 6.5' wall, 6' wide yard, 4 shade trees spaced over every 100' linear feet.

Type A2: 6.5' fence, 10' wide yard, 4 shade trees and 4 understory tree spaced over every 100' linear feet.

B. Street Protective Yard

1. A street protective yard is required along the edge of the street right-of-way:

- a. For specific uses as set forth in Chapter 6. Use Regulations ( type as specified); and
- b. Where an IH District is across the street from any other district other than an IH District, a Type C1 or C2 street protective yard must be installed.

2. A required street protective yard may be replaced with a tree conservation area that meets the requirements of Article 9.1. Tree Conservation

3. The protective yards in Special Highway Overlay Districts 1 and 2 (Sec. 5.3.1. D.) take the place of any street protective yard required in Sec. 7.2.4.B.

Type C2: 15' wide yard, 4 shade trees spaced over every 100' of street right of way & 15 shrubs spaced over every 100' of street right of way.